ORDINANCE NO. 20-0572

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEOOOD, PIERCE COUNTY, WASHINGTON, RELATED TO CODE ENFORCEMENT HOUSEKEEPING AMENDMENTS; AMENDING TITLE 2 OF THE EDGEOOOD MUNICIPAL CODE (“EMC”) RELATED TO CODE ENFORCEMENT APPEALS; AMENDING EMC TITLE 5 RELATED TO BUSINESS LICENSE ENFORCEMENT; AMENDING EMC TITLE 8 RELATED TO HEALTH AND SAFETY ENFORCEMENT; AMENDING EMC TITLE 11 RELATED TO SEWER SYSTEM ENFORCEMENT; AMENDING EMC TITLE 13 RELATED TO SURFACE WATER MANAGEMENT ENFORCEMENT; AMENDING EMC TITLE 14 RELATED TO CRITICAL AREAS ENFORCEMENT; AMENDING EMC TITLE 15 RELATED TO BUILDING AND CONSTRUCTION ENFORCEMENT; AMENDING EMC TITLE 16 RELATED TO SUBDIVISION CODE ENFORCEMENT; AMENDING EMC TITLE 18 RELATED TO DEVELOPMENT CODE ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Article XI, Section 11 of the Washington State Constitution grants cities, such as the City of Edgewood, the authority to “make and enforcement within its limits all such local police, sanitary and other regulations as are not in conflict with general laws”; and

WHEREAS, the Revised Code of Washington (“RCW”) also grants cities the authority to declare what shall constitute a nuisance, to abate the same, and to impose fines upon persons who may create, continue, or allow nuisances to exist through statutes such as RCW 35.22.280(30), RCW 35.23.440(10), RCW 35.27.410, and RCW 35A.21.160; and

WHEREAS, the City has adopted the Edgewood Municipal Code (“EMC”) as the laws and regulations of the City; and

WHEREAS, the EMC is intended to support compelling governmental and public interests on behalf of the people who live in, work within, and visit the City; and

WHEREAS, such interests include, but are not limited to, providing an environment supportive of commerce, transportation, public safety, housing, and the overall general health, safety, and welfare of the community; and

WHEREAS, code violations and nuisances undermine the public’s interests in promoting the general health, safety and welfare of the entire community and are a financial burden on city resources; and

WHEREAS, on January 28, 2020, the City Council adopted Ordinance No. 20-0569, enacting a new comprehensive code enforcement Title 7 of the EMC to ensure compliance with the EMC and to provide procedures and mechanisms for enforcement of the City’s code; and
WHEREAS, the addition of the new Title 7 requires housekeeping amendments to other provisions of the EMC related to code enforcement to implement, and ensure consistency with, the new procedures; and

WHEREAS, the City Council considered this ordinance during study sessions held on February 4, 2020 and February 18, 2020; and

WHEREAS, the City Council adopted this ordinance during its regular City Council meeting of February 25, 2020;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. EMC Section 2.40.080 (Examiner – Powers and duties), Amended. Section 2.40.080 of the Edgewood Municipal Code entitled, “Examiner – Powers and duties,” is hereby amended as set forth in as Exhibit A, attached hereto and by this reference fully incorporated herein.

Section 2. EMC Section 5.10.050 (Nuisance), Amended. Section 5.10.050 of the Edgewood Municipal Code entitled, “Nuisance,” is hereby amended as set forth in as Exhibit B, attached hereto and by this reference fully incorporated herein.

Section 3. EMC Title 8 (Health and Safety), Amended. Title 8 of the Edgewood Municipal Code entitled, “Health and Safety,” is hereby adopted as set forth in as Exhibit C, attached hereto and by this reference fully incorporated herein.


Section 5. EMC Title 13 (Surface Water Management and Site Development), Amended. Title 13 of the Edgewood Municipal Code entitled, “Surface Water Management and Site
Development,” is hereby adopted as set forth in as Exhibit E, attached hereto and by this reference fully incorporated herein.


Section 8. EMC Section 16.01.130 (Violation – Penalty), Amended. Section 16.01.130 of the Edgewood Municipal Code entitled, “Violation – Penalty,” is hereby amended as set forth in as Exhibit H, attached hereto and by this reference fully incorporated herein.

Section 9. EMC Title 18 (Development Standards), Amended. Title 18 of the Edgewood Municipal Code entitled, “Development Standards,” is hereby adopted as set forth in as Exhibit I, attached hereto and by this reference fully incorporated herein.

Section 10. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 11. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication, as provided by law. The full text of this Ordinance shall be mailed without charge, upon request.

PASSED BY THE CITY COUNCIL ON THE 25TH DAY OF FEBRUARY, 2020

Mayor Daryl Eidinger

ATTEST/AUTHENTICATED:

Rachel Pitzel, CMC
City Clerk

APPROVED AS TO FORM:
Interim City Attorney, Ann Marie J. Soto

Date of Publication: February 27, 2020
Effective Date: March 3, 2020